

19 APRIL 1974

UNITED STATES CONGRESSMAN STAN PARRIS
509 CANNON OFFICE BUILDING
WASHINGTON, D.C. 20515

Dear Congressman Parris:

With reference to the text of the Congressional Record-House, of March 14, 1974 concerning the Freedom of Information Act Amendments (pgs H1788 through H1803) the following is offered for your consideration.

The FOI Amendments, as Congressman Young stated, "could effectively negate our security classification system." E.O. 11652, designed to eliminate previously admitted abuses of classification authority while providing effective protection for information requiring classification in the national interest, has been in force less than two years. Yet in that time, 30,000 DOD classification authorities have been reduced to less than 7,000 and more significantly, all the latter are very visible and identifiable. The Record contains no evidence nor specific allegation regarding the improper withholding of information from the public or Congress during this period. Have you been denied such information, even classified? Or any Congressman? If so, what are the details?

On the other hand, are congressional papers available to the public? Specifically, all the staff memorandum generated on the subject of these FOI amendments? Are you prepared to provide all your internal congressional papers over to the first requestor? If he were your opponent in the next election? If he were an alien from a bloc country?

As a "responsible" legislator, your constituent wants to know of your rationale in voting for a bill (H.R. 12471) which:

a. Imposes unrealistic time frames for responses to requests for information. In fact, it is conceivable that a concerted effort by unfriendly forces could raise administrative havoc within the Executive and Judicial Branches of our Government through a veritable flood of requests and ensuing suits.

b. Gives aliens the same rights of request and redress as U.S. citizens at government (taxpayer) expense!

CRC, 2/25/2003

c. Provides a "shopping" list for the idle curious at the expense of the taxpayer.

d. Establishes the Judiciary by the stroke of a pen as qualified experts in the field of classification management.

e. Sets up another "bureaucratic" annual report at the expense of the taxpayer. What do you believe it will tell you? That the "flunky" (pg 1792) has put himself on report to the Congress? Really!

Is it not a fact, Mr. Parris, that some 300 odd congressman performed a "sin and motherhood" exercise in their voting on March 14th? Is it not a fact, that together with the proposed H.R. 12004, a small group in the House is mis-using the FOI concept and a part of our national security program to "get at Mr. Nixon"? Have you not voted the Congress into a "holier-than-thou" position, and, may I further ask, based upon what promise?

Is it not a fact, Mr. Parris; that despite the previous "abuses" under E.O. 10501, that we are emerging from Watergate (pg 1799)?; that the statements by Mr. Thompson about Government secrecy for purposes of wrongdoing, etc., and the fight against secrecy excesses of the entrenched Government bureaucracy, are inane syllogistic prestidigitations?

It is a fact, Mr. Parris, that the people do have the right, though not necessarily the need, to that information not vital to the successful operation of their government in the fields of international relations, economic negotiations, defense, etal. The success or failure of their government to provide them an atmosphere of life free from the fears of external oppression of any type is the primary measure in judging the use of various tools needed for accomplishment. No place do we see this type of judgment exercised in the FOI or H.R. 12004.

Several people in my neighborhood are concerned and your reply to this letter will go a very long way in the determination of how many votes will be cast in the 8th District this fall.

Sincerely,

COMMITTEES:

GOVERNMENT OPERATIONS

SUBCOMMITTEES:

LEGAL AND MONETARY AFFAIRS
GOVERNMENT ACTIVITIES

SCIENCE AND ASTRONAUTICS

SUBCOMMITTEES:

ENERGY

SCIENCE, RESEARCH AND DEVELOPMENT
AERONAUTICS AND SPACE TECHNOLOGY

STAN PARRIS
8TH DISTRICT, VIRGINIA

DISTRICT OFFICES:
6641 BACKLICK ROAD
SPRINGFIELD, VIRGINIA 22150
TELEPHONE: 451-2566

9257 LEE AVENUE
MANASSAS, VIRGINIA 22110
TELEPHONE: (703) 361-8223

JOHN T. WHITE, II
ADMINISTRATIVE ASSISTANT

Congress of the United States

House of Representatives

Washington, D.C. 20515

April 25, 1974

STATOTHR



Springfield, Virginia 22152

STATOTHR

Dear

I have your letter of April 19 and must confess that I was very concerned by your comments concerning H.R. 12471, the Freedom of Information Act Amendments. As you know, I serve on the Government Operations Committee, which investigated and formulated this legislation after careful study and extensive hearings. Accordingly, I will be happy to attempt to explain to you my reasoning in support of this legislation on the House floor, and attempt to respond generally to the points which you made in your letter.

First of all, as you know, under existing law when a request is made for information from the Executive Branch, if the material is classified under executive order, the presentation of a written affidavit that the material has been properly classified is sufficient to prevent its release. H.R. 12471 amends this procedure by allowing the judicial branch the authority to make a final determination on whether such documents have been reasonably and properly classified. You asked whether or not I personally, or any other Member of Congress, have been denied such information upon request. Although I personally have not been involved in such a situation, a classic case and one which essentially prompted the formulation of H.R. 12471, is that of EPA v. Mink. In that case, Congresswoman Mink and several other Members of Congress requested to see classified information from the Executive and were denied that right under the procedure which I outlined in the first part of this paragraph.

You also asked if Members of Congress release internal congressional papers if requested. While any such release would be at the discretion of a particular Congressman, this corresponds to the exemption of intra-agency documents from the Freedom of Information Act Amendments.

STATOTHR

Mr. [redacted]
Page Two
April 25, 1974

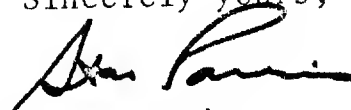
STATOTHR

I do not believe, [redacted] that the vote on H.R. 12471 was a "sin and motherhood" exercise, as you phrased it. First of all, you probably are aware that the Legislative Branch operates on a very small budget when contrasted with annual appropriations for the Executive (a budget which permits each Representative to employ a maximum of 16 staff members in an attempt to fully represent some 450,000 constituents), and this budget in no way permits the quality and depth of research necessary for Congressional operations. I would not infer that the Legislative Branch requires greater funding; on the contrary, I would argue that if the majority of this type of work is performed by the Executive, it would be a wasteful duplication of effort and money for the Legislative Branch to undertake the same endeavors. However, this situation does, of necessity, make the Congress largely dependent upon the Executive for much of the information used in the formulation of timely legislation.

You also mentioned your concern over H.R. 12004, which sets up a security classification system. You will be pleased to know that it appears highly unlikely that this legislation will even be considered before the adjournment of the 93rd Congress, as no hearings have yet been held.

Thank you again for writing me. I hope you will continue to do so in the future.

Sincerely yours,



Stan Parris
Member of Congress

SP:MS

3 May 1974

United States Congressman Stan Parris
509 Cannon Office Building
Washington, D.C. 20515

Dear Congressman Parris:

Thank you for your letter of April 25, 1974 in prompt response to my queries about H.R. 12471. This letter is sent per your invitation and with the intent of clarifying issues you addressed as well as re-identifying those previously ignored.

First of all, let's look at the Mink case. As you say, it is a "classic", but really so because of its perverted nature. If Congresswoman Mink and her cohorts were sincere in their concerns on behalf of their constituents, the requested information could have, and no doubt would have, been provided to them in an executive session on a classified basis. They then would have been able to truly represent "the people" by making a voting judgment based upon all the facts. But no, the interest was not in obtaining information about the CANNIKIN test shot in order to perform as responsible legislation, but to create a "spectre" which later could be used just as we have seen in H.R. 12471. In passing, it is also noted that the dire environmental allegations proved to be groundless and that the challenge of classified information related to the Atomic Energy Act - not the Executive Order 10501 in force at that time.

Quite obviously, even to the most naive, those responsible for advancing the state-of-the-art in the national interest, were not about to allow public release of information vital to - or potentially vital to our national survival. The results clearly proved that the evaluations made by those responsible for the tests were correct including environmental consideration. Yet, instead of being proud of possessing quality expertise which is to our national gain, certain people (of questionable motives and methods) have chosen to distort the real truth and to create a fictitious problem in order to promote a specious solution. I say again, who in Congress has been denied classified information?

Next point of your letter - is not the Congress a part of the governmental process which is responsible to the people? If so, why is the Congress "excluded" from the provisions of the FOI? That is the question - not the basis for "exemption" you quoted in your letter. Why should the Congress be any less responsive to the people under the "law"?

With regard to your small staff, etc., the situation is appreciated. Over the years, there has been a very personal familiarity with increased tasks and assignments coinciding with decreasing personnel resources. However, it is hard to visualize your use of available expertise in the Executive and still cast a vote for H.R. 12471 as you did. So, on to your next point.

Mr. Al Friendly, in a recent talk before the National Classification Management Society, announced that H.R. 12004 would be the subject of hearings commencing on June 3, 1974. Has that schedule been changed? He also stated that Senator Muskie and/or Senator Gravel would have a companion bill to be introduced in the Senate at the same time.

Now, as to the ignored items - is one to assume that you now consider them as valid and certainly negative to sound legislation? Specifically, the five items were provisions of the bill which:

a. Imposes unrealistic time frames for responses to requests for information. In fact, it is conceivable that a concerted effort by unfriendly forces could raise administrative havoc within the Executive and Judicial Branches of our Government through a venitable flood of requests and ensuing suits.

b. Gives aliens the same rights of request and redress as U.S. citizens at government (taxpayer) expense!

c. Provides a "shopping" list for the idle curious at the expense of the taxpayer.

d. Establishes the Judiciary by the stroke of a pen as qualified experts in the field of classification management.

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It must also be noted that you avoided any comment on the fact of our emergence from Watergate. Nor addressed the relative merits of the change in Executive Orders which established a new policy and program in the area of classification/declassification of information. In addition, one cannot determine from your letter how you feel about the need to protect certain information in order to preserve the society we've established and nurtured vis-a-vis those external, and internal, forces who would disastrously change the pattern.

Mr. Parris, however pointed the foregoing could seem, it is offered with sincere concern; friendly albeit firmly; factually not factiously; and, hopefully, not in harmful but helpful way. The erosion of our few remaining bulwarks against those who would destroy us must be recognized at the outset before the point of no return is reached. We cannot be all things to all men, for then we will become nothing. Those with Legislative, Executive and Judicial responsibilities must not only exercise judgment for the good of all over the long term, but also can be made individually accountable for errors in that judgment. You do not burn the house down to kill the fly in it - yet a vast number of Congressman performed in that fashion on March 14, 1974.

Sincerely,

ROUTING AND RECORD SHEET

Rec 74-1219

SUBJECT: (Optional)

FROM: *H* [redacted]
D/Dir. of Security (PTOS)

EXTENSION

NO.

DATE

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1. OFFICE OF LEGISLATIVE COUNSEL

ATTENTION: [redacted]

2. 7D 35 HEADQUARTERS

☒

PAT:

AN OLD LIAISON CONTACT
OF MINE - ONE [redacted][redacted] GS-14 CIVILIAN
WITH THE NAVY - HAS BEEN
INVOLVED IN AN EXCHANGE
OF CORRESPONDENCE WITH
CONGRESSMAN STAN FARRIS
OF VA. ON THE SUBJECT
OF THE "FREEDOM OF
INFORMATION ACT."I THOUGHT YOU
MIGHT FIND THE
ATTACHED INTERESTING
P.S. RETURN WHEN IT
HAS SERVED YOUR
PURPOSES.*K.*

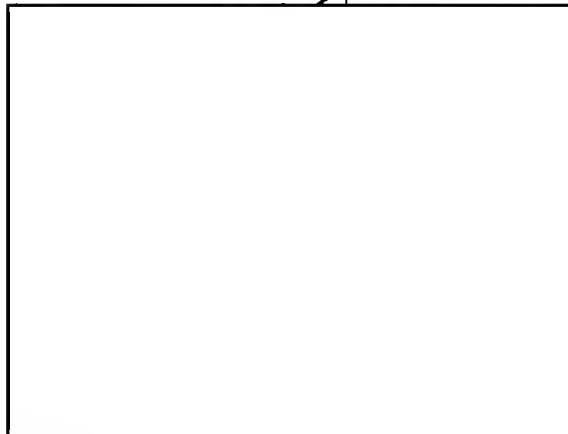
15.

DD/PTOS

File 1974

*Interesting
exchange*

STAT



*Copy filed
HR 12471*